

CP/1632

2002 5 2 130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 25 2002  
PATENT & TRADEMARK OFFICE

In re Application of: JENSENIUS, et al.

Serial No.: 09/822,932

Filed: June 4, 2001

For: MASP-2, A COMPLEMENT-FIXING ENZYME, AND USES FOR IT

Art Unit: 1632

Examiner: CHEN, S.

Washington, D.C.

Atty.'s Docket: JENSENIUS=3B

Date: October 25, 2002

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THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is an ☐ Amendment ☒ Election with Traverse and Third Preliminary Amendment  
in the above-identified application.

☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.

☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

☐ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate		Additional Fee
Total	20	Minus	20	0		x 9	\$	x 84	\$
Indep.	4	Minus	4	0		x 42	\$	x 84	\$
First Presentation of Multiple Dependent Claim						140	\$	+280	\$
TOTAL ADDITIONAL CLAIMS FEE							\$	Total	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity		Other Than Small Entity	
Response Filed Within		Response Filed Within	
<input type="checkbox"/> First	- \$ 55.00	<input type="checkbox"/> First	- \$ 110.00
<input type="checkbox"/> Second	- \$ 200.00	<input type="checkbox"/> Second	- \$ 400.00
<input type="checkbox"/> Third	- \$ 460.00	<input type="checkbox"/> Third	- \$ 920.00
<input type="checkbox"/> Fourth	- \$ 720.00	<input type="checkbox"/> Fourth	- \$ 1440.00
<input type="checkbox"/> Fifth	- \$ 980.00	<input type="checkbox"/> Fifth	- \$ 1960.00

☐ Less fees (\$ ) already paid for months extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ . A duplicate copy of this sheet is attached.

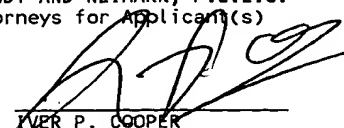
☐ A check in the amount of \$ is attached (check no. ).

☐ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ is attached.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

Facsimile: (202) 737-3528  
Telephone: (202) 628-5197

By:   
TYLER P. COOPER  
Registration No. 28,005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1632
JENSENIUS, et al.	)	Examiner: CHEN, S.
Serial No.: 09/874,238	)	Washington, D.C.
Filed: June 4, 2001	)	October 25, 2002
For: MASP-2, A COMPLEMENT- FIXING ENZYME, AND USES FOR IT	)	Docket No.: JENSENIUS=3B
	)	Confirmation No.: 6910

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#11

Elected by  
Counsel



ELECTION WITH TRAVERSE

Commissioner of Patents  
Washington, D.C. 20231

S i r :

1. In response to the restriction requirement mailed October 2, 2002, applicants elect group I (18-24, 26) with traverse.

2. The paragraph bridging pp. 2-3 of the office action is not understood. It refers to inventions "VIII-XI". However, only three groups (I-III) are defined elsewhere in the action.

3. The restriction I/II is moot because claims 1-17, 25, 27-36 and 38-39 were cancelled by the June 4, 2001 preliminary amendment.

4. However, we note that the claim (37) of group III is properly rejoined to group I if the antibody of group I is patentable and claim 37 is made dependent on an allowable claim of group I.

5. Please note that a substitute power of attorney, including a change of correspondence address was filed October 21, 2002.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: \_\_\_\_\_

Iver P. Cooper  
Reg. No. 28,005

624 Ninth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528

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THIRD PRELIMINARY AMENDMENT

Commissioner of Patents  
Washington, D.C. 20231

S i r :

Prior to action on the merits, please enter the following amendments and remarks.

IN THE CLAIMS

Please rewrite claims 18, 22 and 37 to read as follows

C1 18 (twice amended). An antibody produced by administering an antigen comprising a mannan-binding lectin associated serine protease-2 MASP-2 polypeptide to an antibody producing animal.

C2 22 (twice amended). A pharmaceutical composition comprising the antibody of claims 18 or 19.

C3 37 (amended). A method for diagnosing a disorder associated with aberrant expression of MASP-2, comprising obtaining a biological sample from a patient and measuring MASP-2 expression in said biological sample, wherein increased or decreased MASP-2 expression in said biological sample compared to a control indicates that said patient suffers from a disorder associated with aberrant expression of MASP-2, where MASP-2 expression is measured by means of an assay reagent comprising an antibody according to claim 18 or claim 19.